

**Professional Licensing Agency**  
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**Eric J. Holcomb**  
*Governor of Indiana*  
**Deborah J. Frye**  
*PLA Executive Director*

TO: Interim Study Committee on Government  
FROM: Deborah J. Frye, PLA Executive Director  
RE: COVID-19 Response, Recommendations, and Preparations Report to General Assembly

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## **Background**

The Legislative Council of the Indiana General Assembly tasked state agencies with creating reports which detailed how each agency responded to the COVID-19 public health crisis. The report was to focus on the following:

- 1) Overview of which, if any, operations or services were reduced or suspended during the COVID-19 pandemic, including the following information:
  - a) Whether the suspension or reduction was required by an Executive Order or an internal agency decision?
  - b) To the extent applicable, include citations for the laws, rules, and policies affected by or authorizing the reduction or suspension.
- 2) Overview on preparations to address future emergencies and recovery from emergencies based on the state agency's experience with the COVID-19 pandemic. To the extent applicable, include citations for the laws, rules, and policies that are affected by or authorize the preparations.
- 3) Recommendations, if any, for legislation that may be needed to help ensure the agency is prepared to address future emergencies.
- 4) Recommendations, if any, for legislation to permanently repeal or modify any regulations or laws that were or are partially or fully suspended due to the COVID-19 pandemic.

Outlined below is how the Indiana Professional Licensing Agency responded to the COVID-19 pandemic and recommendations to better respond to any future emergencies which could affect the State of Indiana.

## **1. Continuation of Operations**

The Indiana Professional Licensing Agency, which serves as staff for Indiana's professional licensing boards and commissions, has been able to continue routine operations with minimal disruption to Hoosier professionals. The day-to-day operations of the agency fall largely into two categories: License Processing and Board Actions. Below is discussion of how the agency maintained operations for each category.

**License Processing:** The majority of the agency's workload is centered on issuing new licenses and renewing existing licenses and that flow of work has continued on with limited interruption. Since January 1<sup>st</sup> of 2020 through Sept. 1<sup>st</sup>, PLA boards have collectively issued 31,806 new licenses for our customers. For comparison, from the same time period during 2019, the agency issued 32,900 new licenses. In this routine function of the agency, there were the following minor changes that impacted our customers: 1) PLA staff moving to remote work, 2) PLA offices being accessible by appointment only, and 3) the extension of license expiration dates. These measures were taken to ensure the safety of all parties and limit the burden on license holders during quickly changing times.

1. PLA Staff Remote Work: In compliance with Governor's Holcomb's Directive for Hoosiers to Stay at Home (EO 20-08), our agency took steps to reduce the amount of staff reporting to the office daily. The agency does receive a large amount of documents, such as payment; transcripts; or other required information, through the mail which means that PLA was required to have a small team in the office to receive and process these documents for our staff working remotely. Since the stay at home order was lifted, more PLA staff has returned to the office while still complying with social distancing guidelines. Throughout the process, PLA's phone and online services have been active and our customers are able to contact staff with no disruption.
2. PLA Offices Accessible by Appointment: With EO 20-09 limiting public access to state offices to only business that cannot be conducted remotely; PLA initially suspended the ability for customers to conduct walk-in visits to our offices. On May 18<sup>th</sup>, with Stage 2 of the reopening, PLA resumed walk-in visits by appointment only in order to limit individuals interacting at one time and give adequate time to sanitize public areas between appointments. Since the resumption of walk-ins, PLA has completed 475 appointments.
3. Extension of License Expiration Dates: The last change which impacted Hoosier professionals was a temporary of suspension of license expiration dates. Any professional license which was set to expire from the period of time from March 23<sup>rd</sup>, with EO 20-09, though June 30<sup>th</sup>, with EO 20-31, had their expiration date extended. Any license which PLA would have set to expired status during that time was instead give until June 30<sup>th</sup> to complete their renewal.

**Board Actions:** The other major component of PLA's workload is assisting the professional boards and commissions in preparing and conducting their public meetings. Throughout the public health crisis, PLA has seen three changes to board meetings: 1) Remote Meeting Changes, 2) Prioritization of Agenda Items, and 3) Administrative Rule Waivers.

1. Remote Meeting Changes: The boards and commissions under PLA have been able to transition to entirely electronic meetings due to changes to the Open Door Laws under EO 20-05 and 20-09. These executive orders allowed for all meetings to be conducted via videoconferencing as long as a quorum exists and the public is able to participate. Since these changes have been implemented, there has been over 50 meetings conducted via Cisco Webex with no major disruption reported by the boards, parties attending the meeting, or the general public. This has allowed meetings to continue without endangering our board members, staff, or public attending the meeting.
2. Prioritization of Agenda Items: In the initial response to the public health crisis, PLA prioritized agenda items that were either time sensitive or required changes in light of COVID-19. This requirement, authorized by EO 20-04, permitted the boards to limit certain agenda items, such as stakeholder presentations outside the scope of COVID response or broader policy discussions, to ensure that these discussions were given the time and attention they require. Now that remote meetings have become familiar to board members and stakeholders, those items which were delayed are now being put back on board agendas.
3. Administrative Rule Waivers: In addition to changes made via executive order, each board and commission which PLA oversees was granted the authority by EO 20-05 to suspend portions of administrative code that would be detrimental to public welfare during the public health crisis. Many of these waivers focused on educational requirements for renewals or to reduce the burden on professionals working to combat COVID-19. Below is a list of groups of administrative code that was waived by a board, a brief explanation of the waiver, and the date issued.

- a. Remote Educational Waivers: This group of waivers focused on how our various professional industries attain either their underlying educational requirements or continuing education requirements. These sections of administrative code required a portion of the continuing education be completed in person which limited at the onset of the pandemic. Below are the waivers which issued and date issued:
  - i. Cosmetology Remote Education Waiver- 820 IAC 4-1-5(b), Issued: 3/23
  - ii. Health Facility Administrator On-Site Education Waiver- 840 IAC 1-1-15, Issued: 3/27
  - iii. Real Estate School Distance Learning Waiver- 876 IAC 7-6-4, Issued: 4/1
  - iv. Optometrist Self-Study Hours Waiver-- 852 IAC 1-16-7(c), Issued: 4/7
  - v. Behavioral Health Testing Window Waiver- 839 IAC 1-3-5; 839 IAC 1-4-3.3; 839 IAC 1-5.5-5, Issued: 4/28
  - vi. Funeral Director Distance Learning Waiver-- 832 IA 4-1-1(e), Issued: 7/7
- b. Healthcare Provider Specific Waivers: These waivers were granted to address a specific concern by professions that the rule may have hindered the ability for healthcare workers best respond to the public health crisis.
  - i. APRN Chart Review Waiver- 848 IAC 5-1-1(a)(7)(f): The rule requires an APRN to provide at least 5% of a random sampling of their charts to their supervising physician within seven days. Given the increased workload on health providers due to COVID-19, this was waived. Issued: 4/1
  - ii. Out-of-State Board Verification of Medical Licenses Waiver- 844 IAC 4-4.5-7(a)(8): The rule requires an official confirmation of license status by another state's board; however, COVID-19 caused severe disruption to boards of other states leading to delays for Indiana licensure. The license and license holder's good-standing is still being verified, but does not require an official document from the secondary state's board. Issued: 4/29

## **2. Preparations for Future Emergencies**

Throughout the public health crisis, PLA has been tracking the changes made and requested by licensed Hoosier professionals in order to best prepare for any similar disruptive event. There have been three areas around which these changes have been centered to review our preparedness. Those areas are: 1) Increasing Professional Access, 2) Recognizing Temporary Barriers, and 3) Improving Service Options.

1. Increase Professional Access: The first priority for PLA and the Governor's office during the public health crisis was to ensure that Indiana had an adequate number of frontline healthcare providers. This was accomplished by creating the COVID-19 Temporary Healthcare Provider Registry which allowed out-of-state, retired, or recently graduated healthcare providers to easily receive a temporary license to work in the State of Indiana. This registry has been utilized by over 3,000 healthcare providers since its creation to bolster Indiana's existing healthcare workforce.

In the event of any future emergency, a similar registry could be created for any registered professional in the state to increase access for the average Hoosier. Furthermore, PLA is

currently working to improve the ability to track practitioner specializations in order to have the most accurate information regarding the state of the healthcare workforce.

2. Recognizing Temporary Barriers: The secondary goal of the agency during the crisis was to assist our boards and professional stakeholders in identifying and addressing barriers that emergencies could have on the licensure or renewal process. The largest disruption that PLA saw during the COVID-19 outbreak was the reduction or cancelation of continuing educational or exam opportunities for our license holders. With so many providers shifting to remote education options, there were waivers or exemptions which our boards had to approve to comply with this changes.

With each of our licensed profession having different licensure and renewal requirements, each board had their own unique needs which could not be easily solved by a single waiver or executive order. To address this for future emergencies, one suggestion would be to expand the waiver authority of the boards which would enable them to quickly respond to change in their professional realm without the need to amend Indiana Code or administrative rules.

3. Improving Service Options: The final suggestion for improving preparedness in the event of another emergency is improving the avenues which customers interface with PLA. One such improvement, which PLA has already made a priority, is to implement online license services for all of our professions in order to streamline the interaction between customer and PLA regardless of where staff is currently working from.

### **3. Recommendations for Legislative Changes**

The change that would be most beneficial to address any outstanding disruption from this public health crisis or any future emergencies would be to amend the Open Door Law to allow our licensing boards to continue to meet 100% remotely. The expansion of remote meetings, with robust electronic meeting policies in place for each board, would allow the agency to prioritize public health during the re-opening of the state by reducing contact where possible. Additionally, this change would also increase the public's ability to interact with our board meetings and act as a cost saving measure for the agency.

### **4. Recommendations for Extensions of Modifications**

At this time, there are no extensions of modifications made to this point which are being requested by the PLA. As the state continues to re-open across all sectors, our boards will be in contact with professionals and trade associations to understand how industries are being impacted as the Back on Track plan progresses.